

CHIEF JUSTICE HANDS DOWN THE OPINION AGAINST GRANDFATHER LAW

Fifteenth Amendment to Constitution Effective Against Law Restricting Suffrage in Many Southern States.

SUPREME COURT UNIT IN RENDERING DECISION

Disqualification of Negroes Cannot Be Imposed in Conformity to Present Provisions of Federal Government

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
Washington, June 21.—In probably one of the most important decisions in its history, the supreme court today annulled an unconstitutional amendment and the Annapolis, Md. voters' qualification law, restricting the suffrage rights of those who could not vote or whose ancestors could not vote prior to the ratification of the Fifteenth amendment to the federal constitution.

Chief Justice White, a native of the south, and a former confederate soldier, announced the court's decision, which was unanimous.

Reasons for Opinion.

By holding that conditions that existed before the Fifteenth amendment, which provides that the right to vote shall not be denied or abridged on account of race, color, or previous condition of servitude, could not be brought over to the present day in disregard of this self-executing amendment, it is generally believed that the court went a long way toward invalidating much of the so-called "grandfather clause" legislation of southern states. The immediate effect of the court's decision was to uphold the conviction of two Oklahoma officials who denied negroes the right to vote in a congressional election, and to award three Maryland negroes damages from election officials in Annapolis who refused to register them. The court held that these election officials could not ignore the potency of the Fifteenth amendment in refusing to register the negroes, the word "white" as a qualification for voting. In the Maryland case the court's decision established the point that the Fifteenth amendment applies alike to municipal as well as to federal elections.

Discussing the Oklahoma cases, Chief Justice White said the suffrage amendment to the state constitution first fixed a literacy standard and then followed it with a provision creating a standard literacy test, upon the condition existing on January 1, 1868, prior to the adoption of the Fifteenth amendment, and eliminated those coming under that standard from the inclusion in the literacy test.

The court, said Chief Justice White, in finding words to more clearly demonstrate its conviction that this action of the state recreated and perpetuated the very conditions which the Fifteenth amendment was intended to destroy, than the language used in the amendment.

"It is true," continued the chief justice, "that it contains an express word of an exclusion from the standard which it establishes of any

person on account of race, color or previous condition of servitude, prohibited by the Fifteenth amendment, but the standard itself inherently brings that result into existence since it is based upon a period of time before the adoption of the Fifteenth amendment and makes that period the controlling and dominant test of the right of suffrage.

Sets Amendment Aside.
"In other words, we seek in vain for any ground which would sustain any other interpretation but that the provision, recurring to the conditions existing before the Fifteenth amendment was adopted and the continuance of which the Fifteenth amendment prohibited, proposed by its substance and effect, lifting those conditions over a period of time after the amendment to make them the basis of the right to suffrage conferred in direct and positive disregard of the Fifteenth amendment. And the same result, we are of opinion, is demonstrated by considering whether it is possible to discover any basis of reason for the standard thus fixed other than the purpose above stated.

"We say this because we are unable to discover how, unless the prohibition of the Fifteenth amendment were considered, the slightest reason was afforded for basing the classification upon a period of time prior to the Fifteenth amendment. Certainly it cannot be said that there was any peculiar preeminence in the time named which engendered attributes affecting the qualification to vote which would not exist at another and different period unless the Fifteenth amendment was in view."

Right of Suffrage Implied.
The chief justice had professed this statement by a development of the argument that the restriction imposed by the Fifteenth amendment on the power of the states over suffrage was coincident with the limits of the power itself. He also set forth the principle that while in the true sense the Fifteenth amendment gives no "right" of suffrage, "it was long ago recognized that in operation its prohibition might as surely have that effect, that is to say, that as the command of the amendment was self-executing and reached without legislative action the conditions of discriminating against which it was aimed, the result might arise that as a consequence of the striking down of the discriminating clause a right of suffrage would be enjoyed by reason of the generic character of the provision which would remain after the discrimination was stricken out."

RUMANIA ABOUT READY TO BEGIN WAR ON AUSTRIA

Conditions Granted by Russia and Serbia Also Insure Attack on Constantinople by Bulgarian Forces.

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
Paris, June 21.—The negotiations between Rumania and the allies looking toward Rumania's entrance into the war appears to be near conclusion. Russia's opposition to Rumania's possession of Czernowitz, capital of Bukovina in case of the success of the triple entente alliance, according to the news reaching Paris, virtually has been abandoned and only one difficulty remains: that is Serbia's desire to possess the narrow triangle in Hungary opposite Belgrade, including Panchova as a protection for the Serbian capital.

On the other hand, Rumania is said to claim that with Semlin in Serbian hands, as has been proposed, Belgrade needs no artificial ultra-Danubian bulwark and insists on the Danube. The allies, Maros and Proth rivers as her new frontiers in the existing Austro-Hungarian territory.

Realizing the present difficulties of Russia and the value of immediate assistance by Rumania it is said that Rumania is satisfied to wait the result of pressure of the allies on Serbia before she makes a move. Rumania's situation is considered here as particularly strong in view of the admitted arrangement with Bulgaria under which Bulgaria would be bound to enter the war with Rumania and operate against Constantinople.

"The Captain" and His Giant Model at the Panama-Pacific Exposition



THIS photograph shows "The Captain," a trained horse, on the great amusement section, the Zone, at the Panama-Pacific International Exposition, San Francisco, and a giant model of the horse used to attract the attention of passersby on the thoroughfare. "The Captain" is able to add, subtract and multiply up to six figures. He is also able to spell simple words.

RAILROAD LOSES AND WINS CASE IN SUPREME COURT

Land Valued at \$30,000,000 Not Forfeited, but Company Is Enjoined From Disposing of It Until Congress May Act

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
Washington, June 21.—The supreme court today enjoined the Oregon and California Railroad company from selling the undisposed portion of its congressional land grant. Sales to actual settlers in 160-acre tracts at \$2.50 per acre are permitted under the decision, but the company has six months in which to enact further legislation on the subject. The lands involved are valued at more than \$30,000,000.

The court refused to forfeit the lands to the government for the company's failure to comply with provisions as to price and settlement and also denied the application of actual settlers who have gone on the lands without permission of the railroad and of applicants for entry to have the property declared a trust in their behalf.

A suit was instituted by the government in conformity with a resolution by congress. It dealt only with lands unsold. It appeared in the evidence that some of the land had been sold in 40,000-acre tracts for as much as \$7.50 an acre. Today's decision preserved any right the government may have to bring suit touching land already sold.

The court found that congress in making the grant had made no positive provisions as to settlement. Consideration also was given to the argument of the railroad that large portions of the property could not be sold to actual settlers because the land was not capable of settlement. It was pointed out, further, that much of the land was more valuable for timber than for settlement and thus would be a source of speculation.

For all these reasons the court stated that it was proper that the company should be enjoined from disposing of any of the lands until congress could deal with the new conditions which had arisen since the grant was made.

Justice McKenna announced the decision, which rested on the holding that the actual settler provisions on the grant were to be construed as "covenants to be enforced by injunction, and not 'conditions subsequent,' a violation of which would call for a forfeiture of the grant.

DETROIT GERMANS INDIGNANT OVER CHARGES MADE

Declare They Had Nothing to Do With Attempt to Dynamite Overall Factory and Armory in Canada.

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
Windsor, Ont., June 21.—Word was received this afternoon from Lieutenant Colonel W. A. McCrimmon, acting assistant adjutant general of London, Ont., that he will come out here personally to conduct the investigation into the attempt early today to wreck the overall factory of the Peabody company, Ltd., of Walkerville, a suburb, and the local armory, by dynamite. The attempt to destroy the overall factory where war orders for clothing have been in process of completion was partially successful, about \$10,000 worth of damage being done. The dynamite beneath the armory, however, failed to explode.

The military and civil authorities claim to have detailed descriptions of two men who are alleged to have placed the suit case containing dynamite, with a time fuse, beneath the rear wall of the armory. It is generally believed the same men plotted to wreck the overall factory. Several reports stated that a woman accompanied the two men, but alleged witnesses deny that a woman was present when the explosive was placed near the building.

Detroit German-Americans take exception to the report that German sympathizers in that city were responsible for the affair.

"I do not believe that it was the work of any German sympathizer," declared Dr. Emil Rosinger, secretary of the Michigan Stadtverband, "in the first place, what advantage would be gained by destroying a place where uniforms are made? If the buildings had contained a quantity of munitions of war, or if such material were being manufactured in them, there might be some justification for the charge. But such was not the case."

Turks Claim to Have Repelled All Attacks of Allies and to Be Using Artillery Effectively on Trenches.

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
Constantinople, June 21 (via London, 8:42 p. m.)—The following official communication was issued today: "On the Dardanelles front, at Avli Burnu, nothing of importance occurred on June 18 or June 19. An armored ship, protected by nine torpedo boats and seven mine sweepers, appeared before Seddul Bahr and bombarded our coast batteries on the Asiatic shore. The armored ships retired under protection to Lemnos. "A weak attack against the center of our southern troops at Seddul Bahr was repulsed on June 19 with losses."

"Our coast batteries successfully bombarded some columns of artillery and an enemy transport vessel, as well as infantry retiring under the violent fire of our European batteries. Our Asiatic batteries also bombarded enemy columns on their way to a new position. "An aircraft was shot down, causing a fire which destroyed several aircraft. Enemy airmen flew over our Asiatic batteries, dropping eight bombs without success."

GERMAN REPLY TO AMERICA IS IN PREPARATION

Emperor William to Receive and Personally Peruse Document Before It Is Sent to Washington.

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
Berlin, June 21 (via London, June 22, 12:15 a. m.)—The foreign office experts have commenced the consideration of the German answer to the American government's note concerning Germany's submarine warfare and the first draft of the document presumably will be finished at the end of this week. As the reply this time will be submitted to Emperor William at Headquarters after it is threshed out between the departments concerned, it probably will not be ready for transmission before the middle of the end of next week.

No Clear Forecast.
There is no clear indication of the probable nature of the note yet obtainable. From the emphasis which the naval writers continue to lay on the alleged British practice of flying neutral flags and encouraging merchantmen to attack submarines and the impossibility of submarines to observe the regulations concerning visitation and search under these conditions, it might be anticipated that this argument would be the kernel of the reply. But at the foreign office there seems to be an impression that this point will appear only as a subordinate part of the reply if at all, and that an attempt will be made to give a definite answer to President Wilson's requests one way or another.

Amendment Not to Figure.
The alleged amendment of the Lusitania probably will not figure prominently in the next note. Considerable testimony has been assembled regarding the presence of guns aboard the Lusitania, but it all refers to voyages prior to the one on which the Lusitania was sunk although some of it touches on trips made since the war began.

A German sailor named Emil Grabe, deposes in an affidavit published here that he sailed for four years on British ships, including the Lusitania and the Mauretania. He avers that he made three trips on the Lusitania and that she, like the Mauretania, carried five or six 12-centimeter guns—two on her after deck, two amidship and one or two forward. Grabe testified that he personally watched naval reservists in the crew of the Lusitania exercising with these guns.

Influences for Peace.
Higher business influences continue to be exerted in favor of a peaceful settlement with the United States. A number of industrial and commercial leaders in Germany have appeared in Berlin during the last few days to use their influence personally to this end. No further details regarding the manner of the destruction of Capt. Otto Weddiger's submarine, the U-29, are obtainable here. The admiralty says that all the information in its possession was contained in its announcement of last Friday, that the underwater boat had been rammed and sunk by a fast steamer after the tanker had been ordered to stop.

TWO SANTA FE WORKMEN IN NEW MEXICO ADDED TO THE PENSION ROLL

Two New Mexicans have been placed on the Santa Fe railway's pension list. They will get \$20 a month each. This announcement was contained in the Santa Fe Magazine for June, together with the following sketch of the men:

Egilio Duran, laborer at Chapelle, N. M., was born in Bernal, N. M., on January 3, 1859. He entered the Santa Fe ranks in 1879 as a laborer on construction work between Azul and Chapelle, and has been in the service of the company at Chapelle for thirty-five years.

Jose D. Sanchez, laborer at Lamy, N. M., was born on March 19, 1854, in Dolores, N. M. He became a Santa Fe employee in 1879, and after three years of poor health compelled his retirement after thirty-three years of continuous service.

EDDIE CLIFFORD IS SERIOUSLY BURNED BY GASOLINE EXPLOSION

Eddie Clifford, a high school athlete, son of Oakley Clifford, was seriously burned yesterday by a gasoline explosion at the Dodson garage. His legs and lower part of his body were touched by the fire. His condition is said not to be dangerous.

Clifford was pouring gasoline into the tank of an automobile. The driver or owner of the car, whose name was not learned, was holding the funnel. He was smoking a cigar, according to Clifford. He slipped and fell, and the cigar evidently came in contact with the gasoline. The explosion came at the same instant.

Clifford was taken to his home, 401 North Arno street.

YEARLY PROMOTIONS FOR POSTOFFICE MEN

Washington, D. C., June 21.—Yearly promotions for more than 12,000 postal employees in different parts of the country will be authorized by the postoffice department July 1, despite the failure of congress at its last session to pass the postal appropriation bill. First Assistant Postmaster General Roper announced today that an unexpected balance in the funds would be used to provide for the promotion of the postmasters, clerks and carriers who under the salary classification law are entitled to advancement.

SHAKE INTO YOUR SHOES

Allen's Foot-Ease, the antiseptic powder for the instant relief of painful, smarting, tender, nervous feet. It takes the sting out of corns and bunions. Simply shake the contents of one of the small packets in each shoe. Over 100,000 packages are being used by the German and Allied troops at the front. Sold everywhere, 25c.

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FEE SPLITTING BY DOCTORS DENOUNCED

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
San Francisco, June 21.—The secret division of fees between physicians and surgeons is "criminal dishonesty," said Dr. William D. Haggard of Nashville, Tenn., in an address today before the American College of Surgeons which is holding its convention here. "Fee splitting," he said, "is criminal because it leads to unnecessary operations, to incompetent work resulting in unnecessary deaths and to a constant lowering of the moral and professional standards in medicine. The practice has all through it the element of theft."

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